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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/063,993	06/02/2002	Terry S. Callaghan	TSC01 P300A	5739

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EXAMINER

TSAL, CAROL S W

ART UNIT	PAPER NUMBER
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2857

DATE MAILED: 01/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/063,993

Applicant(s)

CALLAGHAN, TERRY S.

Examiner

Carol S Tsai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 16-22 and 25 is/are rejected.
- 7) ☒ Claim(s) 14, 15, 23, and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-3, 9-13, 16, 17, and 25 are rejected under 35 U.S.C. 102(a) as being anticipated by U. S. Patent No. 6,297,781 B1 to Turnbull et al.

Turnbull et al. disclose a mileage display system for a vehicle comprising: a receiver (receiver 136 and microwave receiver 115 shown on Fig. 6) for receiving a signal from a remote transmitter (transmitter 134 shown on Fig. 6) (see col. 8, line 40 to col. 9, line 64); a mileage accumulator (odometer 154 shown on Fig. 7) coupled to the receiver for accumulating vehicle mileage received from a mileage sensor as the vehicle travels in response to a signal received by the receiver from the remote transmitter (see Figs. 6 and 7 and col. 26, lines 11-43); and a display (display 45 shown on Fig. 6 and other displays 166 shown on Fig. 7) for displaying the vehicle mileage accumulated by the mileage accumulator (see col. 8, lines 40-63).

As to claim 2, Turnbull et al. also disclose an interface (vehicle bus interface 116 shown on Fig. 6) for coupling to an odometer sensor of the vehicle to receive a vehicle travel distance signal from which the vehicle mileage may be ascertained (see col. 25, lines 51-67).

As to claims 6 and 12, Turnbull et al. also disclose a vehicle mileage tracking system comprising: a tripmeter (odometer 154 shown on Fig. 7) mounted in a vehicle for tracking travel distance of the vehicle; a transmitter (transmitter 134 shown on Fig. 6) mounted in the vehicle coupled to the tripmeter for transmitting the travel distance; a receiver (receiver 136 shown on Fig. 6) remotely located from the vehicle for receiving the travel distance transmitted by the transmitter; and a computer (computer 21 shown on Fig. 1) coupled to the receiver for receiving and storing the travel distance received by the receiver.

As to claim 7, Turnbull et al. also disclose computer being configured to automatically generate and store an electronic record indicating the vehicle and travel distance (see col. 7, line 65 to col. 8, line 39 and col. 19, lines 31-67).

As to claim 9, Turnbull et al. also disclose computer being a computer server coupled to a local area network (see Figs. 1 and 6; col. 19, lines 38-67; and col. 26, lines 1-10).

As to claim 10, Turnbull et al. do not disclose expressly an electronic mail message including the vehicle identification code and travel distance.

It is, however, considered inherent that Turnbull et al. add an electronic mail message including the vehicle identification code and travel distance (see Fig. 1 and col. 26, lines 1-10), because such a system is known to be a necessary element in order that information of vehicle identification code and travel distance can be transmitted via the computer to either the police or a technician.

As to claims 11 and 25, Turnbull et al. also disclose transmitter being a transceiver for receiving an interrogation signal and for transmitting vehicle mileage in response to the interrogation signal (see col. 9, lines 40-64).

As to claim 13, Turnbull et al. also disclose a display (display 45 shown on Fig. 6 and other displays 166 shown on Fig. 7) coupled to the vehicle tripmeter for selectively displaying the travel distance.

As to claim 16, Turnbull et al. also disclose the transmitter being an RF transmitter for transmitting an RF signal to a receiver coupled to the remote device (see col. 9, lines 46-50).

As to claim 17, Turnbull et al. also disclose the vehicle tripmeter time- and date-stamps mileage trip segments that are recorded between periods (see col. 25, lines 4-22).

Turnbull et al. do not disclose expressly that trip segments are time stamped between vehicle ignition being turned on and off, but it is considered inherent, because such definition is known to be a necessary requirement in order that odometer data computer system can start accumulating the trip mileage when the engine is turn on and stop accumulating the trip mileage when the engine is turned off.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Turnbull et al. in view of U. S. Patent No. 5,825,286 to Coulthard.

As to claim 8, Turnbull et al. disclose computer being configured to automatically generate and store an electronic record indicating the vehicle and travel distance (see col. 7, line 65 to col. 8, line 39 and col. 19, lines 31-67).

Turnbull et al. do not disclose the transmitter transmitting an identification code to the receiver to identify the vehicle to the computer.

Coulthard teaches the transmitter transmitting an identification code to the receiver to identify the vehicle to the computer (see col. 5, lines 37-47).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Turnbull et al.'s system to include the transmitter transmitting an identification code to the receiver to identify the vehicle to the computer, as taught by Coulthard, in order to identify the information in the entry as relating to a particular user.

6. Claims 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turnbull et al. in view of U. S. Patent No. 4,875,167 to Price et al.

As noted above, Turnbull et al. disclose the claimed invention, except for storing an indicator in association with each trip segment whether the trip segment was a business trip or a personal trip.

Price et al. teach storing an indicator in association with each trip segment whether the trip segment was a business trip or a personal trip (see col. 2, lines 7-11 and col. 3, lines 43-51).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Turnbull et al.'s system to include storing an indicator in association with each trip segment whether the trip segment was a business trip or a personal

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trip, as taught by Price et al., in order to distinguish whether the type of trip mileage that to be accumulated is a business trip or personal trip.

As to claims 19-22, Turnbull et al. do not disclose the tripmeter totaling one of the travel distances traveled during a specified period of time.

Price et al. teach the tripmeter totaling one of the travel distances traveled during a specified period of time (see Abstract, lines 2-13; col. 4, lines 21-23; and col. 6, lines 17-25).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Turnbull et al.'s system to include the tripmeter totaling one of the travel distances traveled during a specified period of time, as taught by Price et al., in order to provide an end-of-year tax reporting.

Allowable Subject Matter

7. Claims 4, 5, 14, 15, 23 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments filed 12/02.2002 have been fully considered but they are not persuasive.

Applicant argues that Turnbull et al. do not teach or suggest the odometer be responsive to signals received by receiver from a remote transmitter. The Examiner disagrees with Applicant. As set forth above, Turnbull et al. do disclose the odometer be responsive to signals

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received by receiver from a remote transmitter (see Figs. 6 and 7 and col. 26, lines 11-43; The present invention ameliorates the above concerns by providing a vehicle odometer verification system, whereby a control circuit is coupled to **a microwave receiver so as to receive vehicle position data that is transmitted to the receiver from satellites of a position identification system constellation. The control circuit utilizes the vehicle position data to determine and accumulate vehicle distance of travel.** The control circuit may use this information to verify the odometer reading or may additionally or alternatively store the accumulated distance of travel data so computed in a memory device).

Applicant argues that although Turnbull et al.'s interface 116 serves to couple microprocessor 110 to the vehicle bus, which in turn is coupled to odometer 154, this interface is not part of the odometer 154, nor would it couple to an odometer sensor of the vehicle to receive a vehicle travel distance signal from which the mileage accumulator could ascertain the vehicle mileage. The Examiner disagrees with Applicant. **"The vehicle tripmeter is coupled to a mileage sensor (or vehicle odometer) 40 through a discrete direct connection or through a vehicle bus 50 and vehicle bus interface circuit 52** (Fig. 2)" described at page at page 5, paragraph 0017 of Applicant's Detailed Description clearly reveals that vehicle bus interface 52 is not part of the mileage sensor 40, nor would it couple to an mileage sensor 40 of the vehicle to receive a vehicle travel distance signal from which the mileage accumulator could ascertain the vehicle mileage. Based on the quoted description mentioned above and Figure 2, the Examiner could not see the difference between Turnbull et al.'s vehicle bus interface 116 that is coupled to odometer 154 through a vehicle bus 117 and Applicant's vehicle bus interface 52 that is coupled to the mileage sensor 40 through a vehicle bus 50.

Applicant argues that receiver 136 in Turnbull et al. is hardwired to microprocessor 110, which is also hardwired to transmitter 134 and that there is no suggestion in the teachings of Turnbull et al. to transmit signals from transmitter 134 to receiver 136 and that there would be no reason why receiver 134 would be positioned remote from the vehicle. The Examiner disagrees with Applicant. Turnbull et al. do disclose a receiver (receiver 136 shown on Fig. 6) remotely located from the vehicle for receiving the travel distance transmitted by the transmitter (transmitter 134 shown on Fig. 6) (see col. 9, lines 46-49; **Electrical control system 100 may also include a receiver 136 intended to receive RF signals or the like, from remotely located transmitters such as a remote keyless entry (RKE) transmitter** and col. 20, line 62 to col. 21, line 4; **With transmitter 134 remotely located, microprocessor 110 could transmit the vehicle position data over a discrete connection or via vehicle bus 117**).

Applicant argues that Turnbull et al. disclose the information transmitted being the vehicle latitude and longitude such that a navigation program running on the laptop computer may be used to locate the position of the vehicle and provide travel directions. The Examiner disagrees with Applicant. Turnbull et al. not only disclose the information transmitted being the vehicle latitude and longitude such that a navigation program running on the laptop computer may be used to locate the position of the vehicle and provide travel directions, but also disclose receiving and storing the travel distance received by the receiver (see col. 8, lines 15-25; **In a manner well known in the art, microprocessor 110 may process this data to identify the position of the vehicle in terms of its latitude, longitude, and altitude. Insofar as clock signals are received from the various satellites, receiver 115 also serves as a source of a clock signal that may be used to determine the time of day. Further, insofar as the**

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information obtained from receiver 115 may be used to calculate the vehicle's change of position over time, receiver 115 also serves as a source of data from which the vehicle velocity and distance of travel may be ascertained).

Applicant argues that Turnbull et al. do not disclose computed distance of travel being transmitted to a receiver and computer that are remotely located from the vehicle. The Examiner disagrees with Applicant. Turnbull et al. do disclose computed distance of travel being transmitted to a receiver and computer that are remotely located from the vehicle (see col. 8, lines 15-25 and col. 19, lines 38-55).

Applicant argues that Turnbull et al. do not disclose a computer server connected to a local area network because Turnbull et al.'s transmitter may transmit not only GPS data, but also any other information that is transmitted over the vehicle network and such information includes diagnostic information as well as accident data to a handheld receiver that supplies the accident data or diagnostic data to the police or a technician. The Examiner disagrees with Applicant. Computer 21 in Turnbull et al. is connected to the vehicle network in order that the position of the vehicle in terms of its latitude, longitude, and altitude and the vehicle velocity and distance of travel obtained from GPS satellites or the like can be directly transmitted via the IR signal into the passenger compartment to any one or more laptop computers (see col. 19, lines 38-67).

Applicant argues that nowhere is there any mention of an interrogation signal, let alone a transceiver that responds to an interrogation signal so as to subsequently transmit vehicle mileage in response to the interrogation signal. The Examiner disagrees with Applicant. Turnbull et al. do disclose transmitter being a transceiver for receiving an interrogation signal and for transmitting vehicle mileage in response to the interrogation signal (see col. 9, lines 40-64).

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because a remote keyless entry (RKE) transmitter should be pressed by a user in order to create an interrogation signal that is to be received by the transceiver.

Applicant argues that Turnbull et al.'s vehicle data recorders record time-stamped vehicle data including only speed, vehicle direction, position of the vehicle, application of the vehicle breaks, and/or airbag deployment and not including vehicle travel distance. The Examiner disagrees with Applicants. Even though Turnbull et al. do not expressly disclose information that is recorded including vehicle travel distance, but it is considered inherent, because such information is known to be a necessary information expected to be obtained by any driver in order to track the mileage for tax purpose. In addition, it is also well known in the art that the distance of travel can be more easily derived based on the information of speed, vehicle direction, and position of the vehicle.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carol S. Tsai whose telephone number is (703) 305-0851. The examiner can normally be reached on Monday-Friday from 7:30 AM to 4:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (703) 308-1677. The fax number for TC 2800 is (703) 308-7382. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2800 receptionist whose telephone number is (703) 308-1782.

In order to reduce pendency and avoid potential delays, Group 2800 is encouraging FAXing of responses to Office actions directly into the Group at (703) 308-7382. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 2800 will be promptly forwarded to the examiner.

Carol S. Tsai

01/17/03



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